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Remarks

Prior to this amendment, claims 1-22, 24-29, 31-33 and 37-43 were pending in the present application. Claim 44 was withdrawn. Claims 1-5, 8-18, 21, 22, 24-29 and 37-39 have been rejected. Claims 6,7,19,20, 31-33 and 40-43 are objected to. The listed amended claims together with these remarks respond to the Office Action dated October 24, 2005.

Reconsideration of the present application is requested.

The applicant believes that in their present form, claims 40-43 should be allowed. The Examiner noted in paragraph 4 of the Office Action that these claims were allowable but were based on a rejected base claim. The applicant notes however that claim 40 is an independent claim and that claims 41-43 depend from claim 40. Therefore the applicant believes that these claims in their present form are allowable.

Claims 1-5, 8-18, 21, 22, 24-29 and 37-39, have been rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by EP Patent No. 0 958 765 to Feldotto.

Applicants respectfully contend that their invention is not anticipated by Feldotto.

Applicant's invention as presently claimed is an adjustable arm rest for a chair. The adjustable arm rest includes a mounting member, a first horizontal slide member and a second horizontal slide member. In claim 1 the first horizontal slide member is in frictional engagement with the upper base. The second horizontal slide member is in frictional engagement with the first horizontal slide member. In all of the claims, the second horizontal slide member must move substantially or generally perpendicular to the first horizontal slide member.

The Examiner has cited Feldotto as teaching all of the elements of the present invention. Specifically, the Examiner cites Feldotto as teaching an upper base 2, first horizontal slide element 30, and a second horizontal slide element 10. The Examiner further notes in paragraph 6 of the Office Action that the lower planar surface of the first horizontal slide contacts the upper surface of the second horizontal slide element. Further, the Examiner argues that Feldotto teaches frictional engagement of peg 9 to the interior of slot 33.

Feldotto however is missing two express limitations of independent claims 1 and 27. First, all of the claims require that the first horizontal slide be in frictional engagement with the upper base. Peg 9 is not the upper base, but instead a separate part. The Examiner noted that the upper base is identified as reference numeral 5. As further noted by the Examiner, Feldotto teaches engagement between the first horizontal slide and the second horizontal slide. There is

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no teaching or suggestion in Feldotto that a first horizontal slide is in frictional engagement with the second horizontal slide element. For this reason alone, the rejection is traversed.

Second, independent claims 1 and 27 as well as independent claim 14 require that the second horizontal slide element move substantially or generally perpendicularly to the first horizontal slide element. Certain elements of Feldotto make such movement in the Feldotto arm rest impossible. Screw 15.1 along with curved slot 33 and screw 15.2 causes the second horizontal slide element of Feldotto to move in an arcuate path, not substantially perpendicularly to the path of the first horizontal slide element. (See the attached copy of the Feldotto B1 publication at column 13 lines 35-37 (English claims)). In addition, wall 11 restrains the first horizontal sliding member within the second horizontal sliding member such that no relative motion occurs between the two sliding members. Accordingly, no motion of the first horizontal sliding member of Feldotto can ever be perpendicular to the direction of movement of the second horizontal sliding member of Feldotto. For this additional reason, the rejection is traversed.

Claims 2-5, 8-13, 15-18, 21, 22, 24-26, 28, 29 and 37-39 all depend from one of the allowed claims and are therefore allowable as well.

Conclusion

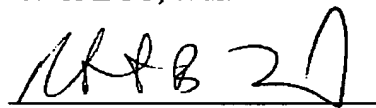
In view of the present amendments and remarks, Applicants submit that the claims are in condition for allowance and request that the Examiner pass this application to issuance.

Respectfully submitted,

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